



I Am a U.S. Citizen

How Do I... Immigrate an Adopted or Prospective Adopted Child or Help My Adopted Child Become a U.S. Citizen or U.S. Permanent Resident?



U.S. Citizenship
and Immigration
Services

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A3 Customer Guide

This consumer guide explains three different ways to immigrate an adoptive child from overseas to become a lawful permanent resident or to become a U.S. citizen.

The first way is through the Hague Adoption Convention program. The Hague Adoption Convention became effective for the United States on April 1, 2008, and created a new process for immigrating adoptive children who reside in countries that are also party to the Hague Adoption Convention. A Hague Convention adoption requires filing of a **Form I-800A**, *Application for Determination of Suitability to Adopt a Child from a Convention Country*, and **Form I-800**, *Petition to Classify Convention Adoptee as an Immediate Relative*.

The second way is through the orphan adoption program. This requires filing **Form I-600A**, *Application for Advance Processing of Orphan Petition*, and **Form I-600**, *Petition to Classify Orphan as an Immediate Relative*. The orphan adoption program is not available if the adoptive child is from a Hague Adoption Convention country.

Because of the many distinctions in these adoption methods, U.S. citizens who are interested in adopting a child from another country should first decide on a specific country from which to adopt. To view a list of countries that participate in the Hague Adoption Convention, please see the USCIS website at www.uscis.gov.

The third way is through immediate relative processing by filing **Form I-130**, *Petition for an Alien Relative*.

The three methods to immigrate an adoptive child are separate and distinct and cannot be combined.

I. ORPHAN PROGRAM

Who is an orphan?

To be considered an orphan under U.S. immigration law, a child must meet very specific conditions:

- Be a foreign national child without any parents because each parent has died or disappeared or has abandoned or deserted the child, or because of separation from or loss of each parent; or
- Be a foreign national child with a sole or surviving parent who is unable to provide for the child's basic needs, consistent with local standards of the foreign sending country, and who

has irrevocably released the child (in writing) for emigration and adoption.

Who can file an orphan petition?

You must be a U.S. citizen and, if unmarried, be at least 25 years old prior to filing Form I-600. You may file Form I-600A at age 24 if you are unmarried. If you are married, you and your spouse must go through the immigration and adoption process together. You must meet the processing requirements, which are designed to protect the orphan. For example, each adult member (18 years of age or older) of your household will need to be fingerprinted, and we will conduct background and criminal checks on all household members. A "home study" by a licensed adoption agency or a home study preparer is required.

How do I apply for orphan petition processing?

We offer the following two options to apply:

- **Option 1: You have not yet identified a child for adoption, but want to start the process.** Getting your home study completed, documents, background and criminal checks, and our review of your eligibility often take the most time. Option 1 allows you to complete these steps early by using the two-step process below.

1. Step one is to file Form I-600A. The I-600A focuses on your eligibility and suitability as adoptive parent(s). Please note that USCIS cannot approve the application for advance processing using I-600A until after home study has been approved by the home study preparer and received by USCIS. After an I-600A application for advance processing is approved and you identify a child for adoption, you are ready to begin the next step.
2. The second step is to file Form I-600, which focuses on the child's situation and eligibility as an orphan. When we approve the I-600, we will notify the U.S. Embassy or consulate so they can issue the child a visa to come to the United States. If you plan on traveling abroad to identify an orphan to adopt, we strongly recommend that you file your I-600A application for advanced processing and wait for it to be approved **before**

you travel. The forms are available on our website at www.uscis.gov.

- **Option 2: You want to wait to start the process until after you have identified a child to adopt.** While this is a one-step process, it means the procedures that often take the most time, such as the home study, background and criminal checks, and our review, must be done while the child waits overseas. When we approve the I-600, we will notify the U.S. Embassy or consulate so they can issue a visa for the child to come to the United States. If you plan on traveling abroad to find the orphan you wish to adopt, we strongly recommend that you file an I-600A application for advanced processing and wait for it to be approved before you travel. The forms are available on our website at www.uscis.gov.

How old can an orphan be and still be eligible under this program?

If you adopt through the orphan program, generally the I-600 must be properly filed before the child's 16th birthday. The adoption can occur after the child's 16th birthday, but only if the Form I-600 was filed before that day.

A Form I-600 may be filed after the orphan's 16th birthday, but before the orphan's 18th birthday, but only if the orphan is the birth sibling of another foreign national child who has immigrated or will immigrate based on adoption by the same adoptive parents). If the other sibling immigrates as an orphan, then the Form I-600 for the other sibling must have been filed before that sibling's 16th birthday. If the other sibling immigrates as an adopted child under section 101(b)(1)(E) of the Immigration and Nationality Act, rather than as an orphan, the actual adoption must have occurred before that sibling's 16th birthday. This provision for the immigration of an older sibling does not apply to adoptions under the Hague Convention.

What happens after the Form I-600 orphan petition is approved?

After the I-600 is approved, we will notify the U.S. Embassy or consulate so they can issue the proper visa for the child to enter the United States. Regardless of whether or not you completed the adoption overseas, the U.S. Embassy or consulate will issue the child an immigrant visa for the child to enter the United States.

- If you complete the final adoption before the child enters the United States, and you and your spouse have personally seen the orphan prior to or during the adoption proceedings abroad, then generally the child will automatically become a U.S. citizen when admitted with the immigrant visa provided the child is admitted to the United States before his or her 18th birthday. The child will be automatically processed to receive a Certificate of Citizenship instead of a Permanent Resident Card.
- If you wait to complete the final adoption in the United States or the child is 18 or over on the day of admission, the child will become a permanent resident when admitted with the immigrant visa. The child automatically will become a U.S. citizen as long as you finalize the adoption prior to the child's 18th birthday. After you finalize the adoption, you can apply for a Certificate of Citizenship for your newly adopted child using **Form N-600, Application for Certification of Citizenship**. Filing instructions and forms are available on our website at www.uscis.gov.

For more information about immigration processing for orphans, please see our manual **M-249, The Immigration of Adopted and Prospective Adoptive Children**. It is available on our website, or by calling Customer Service at **1-800-375-5283**.

II. HAGUE ADOPTION PROGRAM

Who is a Hague Convention adoptee?

To be considered a Hague Convention adoptee under U.S. immigration law, a child must meet very specific conditions:

- Be a habitual resident in a Hague Convention country and adopted (or custody for adoption obtained) by a U.S. citizen who is a habitual resident in the United States.
- Be released by the child's last legal custodian who has freely given written irrevocable consent to the termination of his or her legal relationship with the child, and to the child's emigration and adoption. The last legal custodian(s) may be:
 - Two living natural parents who are incapable of providing proper care for the child;
 - One natural parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, or abandonment or desertion by, the other parent; or
 - Other persons or institutions that retain legal custody of the child.

Who can file a Hague adoption petition?

You must be a U.S. citizen and, if unmarried, be at least 25 years old prior to filing Form I-800. You may file Form I-800A at age 24 if you are unmarried. If you are married, you and your spouse must go through the immigration and adoption process together. You must meet the processing requirements, which are designed to protect the child. For example, each adult member (18 years of age or older) of your household will need to be fingerprinted, and we will conduct background and criminal checks on all household members. A "home study" is also required by an adoption service provider authorized or approved by the U.S. Department of State, which is the U.S. Central Authority under the Hague Adoption Convention.

How do I apply for Hague Adoption Convention processing?

Unlike the orphan process, there is only one way to apply under the Hague Adoption Convention program. Further, prospective adoptive parent(s) must use the services of an "adoption service provider" authorized by the U.S. Department of State.

1. Step one is to file Form I-800A. The I-800A focuses on your eligibility and suitability as adoptive parent(s). Please note that your home study must be submitted with the I-800A unless your State of residence must approve the home study and will then forward it to USCIS. After an I-800A application is approved and you identify a child for adoption, you are ready to begin the next step.
2. The second step is to file Form I-800. Form I-800 can only be filed after the approval of the I-800A. Form I-800 focuses on the child's situation and eligibility as a Hague Convention adoptee. When we provisionally approve the I-800, we will notify the U.S. Embassy or consulate, which will communicate to the Central Authority of the Hague Convention country that the adoption may proceed.
3. Step 3 is to complete the adoption. You may only proceed with the adoption (or legal custody for purposes of adoption) of the child after the provisional approval of your I-800 and after the U.S. Embassy or consulate has contacted the Central Authority of the Hague Convention country. After the adoption or custody is granted, the U.S. Embassy or consulate will issue final approval of the I-800 and issue the child a visa to come to the United States.

4. The forms are available on our website at www.uscis.gov.

How old can a Hague Convention adoptee be and still be eligible under this program?

If you adopt through the Hague Adoption Convention adoption program, the I-800 must be properly filed before the child's 16th birthday. Generally, the date on which you actually file the Form I-800 is the official filing date. If you filed your Form I-800A after the child's 15th birthday, but before the child's 16th birthday, then the Form I-800A filing date also will be treated as the Form I-800 filing date, provided that you file the Form I-800 within 180 days of the day on which USCIS approves the Form I-800A.

Unlike the orphan program, there is no sibling exception as discussed above.

What happens after the Form I-800 Hague adoption petition is approved?

After the I-800 is approved, the U.S. Embassy or consulate will issue the proper visa for the child to enter the United States. After the I-800 is provisionally approved and the U.S. Embassy or consulate has contacted the Central Authority of the Hague Convention country, you can travel overseas and complete the adoption there, or you can bring the child to the United States and complete the final adoption here. Regardless of whether or not you complete the adoption overseas, the U.S. Embassy or consulate will issue the child an immigrant visa for the child to enter the United States.

- If you complete the final adoption before the child enters the United States, in general the child will automatically become a U.S. citizen when admitted with the immigrant visa, provided the child is under the age of 18 on the day of admission. The child automatically will be processed to receive a Certificate of Citizenship instead of a Permanent Resident Card.
- If you wait to complete the final adoption in the United States, the child will become a permanent resident when admitted with the immigrant visa. The child will automatically become a U.S. citizen as long as you finalize the adoption before the age of 18. After you finalize the adoption, you can apply for a Certificate of Citizenship for your newly adopted child using Form N-600. Filing instructions and forms are available on our website at www.uscis.gov.

For additional information regarding a Hague Convention adoption and the countries that are Convention members, please see our website at www.uscis.gov.

III. IMMEDIATE RELATIVE PROCESSING

Who can file an immediate relative petition on behalf of an adopted child who is neither an "orphan" nor a Hague Convention adoptee?

If you adopt a child, but did not go through the orphan or Hague adoption process, then the child is considered to be your child for immigration purposes when you meet the following requirements:

- The adoption must be finalized before the child's 16th birthday (or the child's 18th birthday if you also adopted a birth sibling of the child and the birth sibling is immigrating either as an orphan or as an adopted child who is not an "orphan" or Hague adoptee); and
- The child must have lived with you for at least 2 years, either before or after adoption (if adopted in a Hague Convention country on or after April 1, 2008, the 2-year period of residence generally must be satisfied outside the United States); and

- The child must have been in your legal custody for at least 2 years, either before or after adoption (if adopted in a Hague Convention country on or after April 1, 2008, the 2-year period of custody generally must be satisfied outside the United States).

After meeting **all** of these requirements, you can file **Form I-130, Petition for Alien Relative**, for the child. See **Customer Guide A1, How Do I Help My Relative Become a U.S. Permanent Resident?**, for more information about relative petitions. Form I-130 can be filed with a USCIS Service Center having jurisdiction over the petitioner's place of residence. Please refer to the instructions on Form I-130 for mailing addresses.

How can my adopted child become a U.S. citizen?

After meeting the requirements listed above, you can file an I-130 relative petition. In general, your adopted child will automatically become a U.S. citizen if the child becomes a permanent resident before the age of 18. A Form N-600 may then be filed to obtain a Certificate of Citizenship. However, if your adopted child was already 18 years of age when he or she became a permanent resident, then your child may apply for naturalization using **Form N-400, Application for Naturalization**, after being a permanent resident for 5 years. Filing instructions and forms are available on our website at www.uscis.gov.

Key Information

Key USCIS forms referenced in this guide	Form #
Petition for Alien Relative	I-130
Application for Advance Processing of Orphan Petition	I-600A
Petition to Classify Orphan as an Immediate Relative	I-600
Application for Certification of Citizenship	N-600
Application for Determination of Suitability to Adopt a Child from a Convention Country	I-800A
Petition to Classify Convention Adoptee as an Immediate Relative	I-800
The Immigration of Adopted and Prospective Adoptive Children	M-249
Application for Naturalization	N-400

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- **On the Internet at: www.uscis.gov**

For more copies of this guide, or information about other citizenship and immigration services, please visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start!

If you don't have Internet access at home or work, try your local library. If you cannot find what you need, please call Customer Service.

- **Customer Service: 1-800-375-5283**

- **Hearing Impaired TDD Customer Service: 1-800-767-1833**

Other U.S. Government Services—Click or Call		
General Information	www.usa.gov	1-800-333-4636
Hague Adoption Convention information		1-877-424-8374
New Immigrants	www.welcometoUSA.gov	
U.S. Dept. of State	www.state.gov	1-202-647-6575

Disclaimer: This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please visit our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.